

**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D.C. 20548

8/23/85 32055

**FILE:** B-218942.2 **DATE:** August 23, 1985  
**MATTER OF:** The Communications Network--  
Reconsideration

**DIGEST:**

GAO will not reopen a protest file closed because more than 7 working days lapsed after the contracting agency report was received (on the scheduled due date) before the protester communicated to GAO that it did not receive the agency report. GAO's acknowledgment of the protest gave notice that the protest file would be closed in that event and reopening the file would be inconsistent with expeditious consideration of the protest.

The Communications Network (TCN) requests that we reopen the file on its protest under request for quotations No. A-85-17 issued by the Department of the Treasury.

We will not reopen the file.

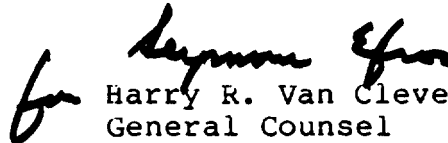
We originally dismissed TCN's protest because we received the contracting agency's report on the scheduled due date, June 26, 1985, and we did not receive any communication from TCN regarding the protest within 7 working days thereafter (i.e., by July 8). See Bid Protest Regulations, 4 C.F.R. § 21.3(e) (1985). The Regulations provide that the protester's failure to respond to the report within the 7-day period will result in our dismissal of the protest. Furthermore, our acknowledgment notice sent to TCN after its protest was filed stated that the report should be received by June 26, 1985, that TCN should promptly notify our Office if it did not receive the report, and that unless we heard from TCN, we would assume that it received a copy of the report when we received ours.

TCN states that it never received the agency's report. However, TCN acknowledges that it made no attempt

to notify us within 7 days after the scheduled due date for the agency report of this fact. TCN states that in a previous protest, a contracting agency took 2-1/2 months to file a report, and consequently, TCN argues that it had no reason to inquire about the report since only 25 days had elapsed since the protest was filed.

The earlier protest to which TCN refers, The Communications Network, B-215902, Dec. 3, 1984, 84-2 CPD ¶ 609, was not subject to the requirements of the Competition in Contracting Act of 1984 (CICA), and does not provide relevant precedent here. Under CICA, our Office generally must issue a final decision within 90 working days after a protest is filed, while the contracting agency, except in limited circumstances not found here, is required to file its report within 25 days after it receives notification of the protest. 31 U.S.C. §§ 3553 and 3554, as added by CICA, Pub. L. No. 98-369, § 2741, 98 Stat. 1175, 1199 (1984). The 7-day response requirement contained in our Regulations is designed to prevent protesters from idly awaiting the report for an indefinite time to the detriment of the protest system, as well as our ability to resolve protests expeditiously as required by CICA. See Del-Jen, Inc.--Reconsideration, B-218136.3, June 10, 1985, 85-1 CPD ¶ 659 at 2.

Since TCN did not comply with the Regulations, our prior dismissal is affirmed.

  
for Harry R. Van Cleve  
General Counsel